

Detailed Action

This is the third Office Action corresponding to amendment of Jul 31, 2008. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 1-10, and 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The spacer is not presented as a positive element of the combination. Applicant indicates that the spacer is a part of the invention. The examiner agrees it is. However, the claims do not recite it in a clear manner. As the claims are now presented the clause “for fixing to at least one spacer” recite the spacer in functionally language. This can be resolved by an amendment to the independent claims. The examiner proposes the following language, for example in claim 1, - - at least one spacer - - should be added between lines 2 and 3, and in line 4 “at least one spacer” should be changed to - - the at least one spacer - -. This should be done in all the independent claims. The action that follows would be addressed considering the spacer as part of the combination.

Claim Rejections - 35 USC § 103

Claims 1, 2, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey (Pat No 1,576,307). The patent to Casey discloses a suspension hook comprising pin (a), a spacer (B), an end piece (a'), lugs (a2) (attached to the end piece), and plates (b4). The lung and the end piece are one single part but it has been held to be within the general skill of a worker in the art to make plural parts unitary and viceversa as a matter of obvious engineering choice (In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951)). As to the welding fixing, the same is known and it would have been obvious to secure the elements of the invention by means of welding.

Allowable Subject Matter

Claims 3-10, and 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant indicates the spacer is now recited as a positive element of the invention. The examiner disagrees as indicated in the 112 rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAMON O. RAMIREZ/
Primary Examiner, Art Unit 3632

ROR
October 15, 2008